

STATE OF NORTH CAROLINA
JUDICIAL DISTRICT 26

FILED

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

MECKLENBURG COUNTY

2021 APR 29 A 10: 52

21R751

IN RE:

MECKLENBURG CO., C.S.C.

REMOTE HEARING

BY

ADMINISTRATIVE ORDER

PRESUMPTION FOR CIVIL
MATTERS IN THE DISTRICT
COURT

THIS ADMINISTRATIVE ORDER has been entered to ensure the fair and proper administration of justice and to mitigate the public health threat posed by COVID-19 within the Mecklenburg County Courthouse facilities and amongst court employees and the public by temporarily mandating that all civil matters be presumptively scheduled as a virtual or remote hearing unless there is good cause to exempt parties from this presumption. The undersigned Chief District Court Judge enters this Administrative Order pursuant to the inherent authority of the court and pursuant to its administrative supervision and authority over the operation of the District Court pursuant to N.C. Gen. Stat. §§ 7A-41.1, 7A-146, and 15A-535(a), and the inherent authority of the undersigned in the administration of civil procedure for this Judicial District. This Order is intended to address the unprecedented public health threat posed by COVID-19 to the operations of the courts of the 26th Judicial District and is subject to modification or termination depending upon multiple factors related to the transmission of COVID-19 in Mecklenburg County

Whereas, COVID-19 is a respiratory disease that can result in serious illness or death by the SARS-CoV-2 virus, which is a new, highly-contagious strain of coronavirus that can be spread from person to person via aerosol droplets; and

Whereas, Governor Roy Cooper declared a State of Emergency in North Carolina on March 10, 2020, in response to the emerging public health threat posed by COVID-19 by entry of Executive Order No. 116, *Declaration of a State of Emergency to Coordinate Response and Protective Actions to Prevent the Spread of COVID-19*; and

Whereas, the World Health Organization declared COVID-19 a global pandemic on March 11, 2020; and

Whereas, the Centers for Disease Control and Prevention ("CDC") has warned of the extreme public threat posed by COVID-19 globally and in the United States and strongly

recommended the practice of social distancing, the use of face coverings and avoidance of in-person gatherings to deter the spread of the virus; and

Whereas, more than 970,713 people in North Carolina have had COVID-19 and over 12,611 people in North Carolina have died from the disease; and

Whereas, over 108,333 people in Mecklenburg County have had COVID-19 and 939 people in Mecklenburg County have died from the disease; and

Whereas, there have been modest declines, compared to January levels, in the percent of emergency department visits for COVID-19 illness, daily new case counts, the percent of COVID-19 tests that are positive, and COVID-19-associated hospitalizations; and

Whereas, the number of persons in Mecklenburg County who have been fully and partially vaccinated is less than 23% and 35% respectively; and

Whereas, at least 65% of the total population of Mecklenburg County would have to be vaccinated in order to achieve a sufficient level of community level immunity to slow or stall spread of the virus without other public health interventions; and

Whereas, these trends and considerations require the undersigned to continue certain public health restrictions to court operations for the 26th Judicial District to slow the spread of the virus during the pandemic; and

Whereas, Governor Roy Cooper issued Executive Order No. 209, *Removing the Outdoor Face Covering Requirement, Relaxing Restrictions on Gatherings, and Extending the Capacity and Social Distancing Measures of Executive Order No. 204*, on April 28, 2021 as a means to protect the health and safety of the residents of North Carolina, slow the spread of the COVID-19 outbreak, reduce the number of people infected, and avoid strain on our health care system; and

Whereas the Mecklenburg County Courthouse is visited by over 70,000 people per month; and

Whereas, high-volume sessions of court, heavy dockets, jury trials and long service lines require the public to gather in county courthouses and courtrooms in close proximity for extended periods of time in numbers and under conditions inconsistent with the public health; and

Whereas, the Mecklenburg County Public Health Director has recommended that the occupancy of the Mecklenburg County Court facilities be restricted to 30% of capacity in each office, courtroom, and public area; and

Whereas, the Chief Justice of the Supreme Court of North Carolina on March 13, 2020, declaring that catastrophic conditions exist in all North Carolina counties, issued the first in a series of emergency directives pursuant to N.C. Gen. Stat. § 7A-39(b)(2) to allow virtual court hearings, mandate physical distancing, the use of face coverings in public areas of courthouses and authorize other local district action to slow the spread of the virus; and

Whereas, it is in keeping with the Governor's Executive Order and the Order of the Chief Justice for the 26th Judicial District to take appropriate measures to reduce the population within the Mecklenburg County Courthouse to protect the health and safety of court personnel and the public and reduce the potential exposure of the virus to court staff, personnel, litigants and members of the bar by, with limited exceptions, establishing a presumption that all civil matters will be scheduled for hearing using audio and video transmission during virtual sessions of court in the domestic, juvenile, child support and general civil divisions of the district court in the 26th Judicial District.

WHEREFORE, IT IS HEREBY ORDERED ADJUDGED AND DECREED that effective April 30, 2021:

All Domestic Court hearings, except those in which the right of a contemnor to confront witnesses or be present is implicated by the proceeding, shall be presumptively scheduled for a remote hearing in accordance with the Procedures for Remote Hearings in the 26th Judicial District established pursuant to this order.

All Abuse, Neglect and Dependency hearings, except for termination of parental rights, adjudication, and disposition hearings, shall be presumptively scheduled for a remote hearing in accordance with the Procedures for Remote Hearings in the 26th Judicial District established pursuant to this order.

All actions for establishment or modification of child support brought by or through Mecklenburg County Child Support Enforcement shall be presumptively scheduled for a remote hearing in accordance with the Procedures for Remote Hearings in the 26th Judicial District established pursuant to this order.

All actions filed in the Civil Division of District Court, excluding those in which the right of a contemnor to confront witnesses or be present is implicated, shall be presumptively scheduled for a remote hearing in accordance with the Procedures for Remote Hearings in the 26th Judicial District established pursuant to this order.

In any case, a party may, for good cause, object to the use of remote audio and video transmissions in accordance with the Procedures for Remote Hearings in the 26th Judicial District established pursuant to this order.

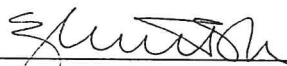
Confidentiality must be maintained for any proceeding required by law to be confidential.

Any remote audio and video transmissions that are required by law to be recorded must be recorded in accordance with the rules established by the Administrative Office of the Courts.

Each party to a proceeding that includes remote audio and video transmissions must be able to communicate fully and confidentially with their attorney if the party is represented.

This order does not extend to proceedings that involve a jury.

Entered and effective, this the 29th day of April, 2021 through June 1, 2021.



The Honorable Elizabeth Trosch
Chief District Court Judge